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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 650—*Pol.* 24-38-2, *dated Bangalore,*
28—30*th July* 1938.

The Government of His Highness the Maharaja are pleased to extend the provisions of Section 56 of the Police Act, V of 1908, as amended from time to time, to Bommagondanakere, Molakalmuru Taluk.

No. R. 482—*L. R.* 450-37-3, *dated Bangalore,*
29*th July* 1938.

Under the powers vested in them by Section 233 of the Land Revenue Code and in pursuance of the orders issued in Government Order No. R. 473-81—L. R. 450-37-2, dated 29th July 1938, the Government are pleased to direct that the note under clause 7 to Rule 43 of the rules under the Land Revenue Code substituted by Notification No. R. 4609—L. R. 98-35-63 dated 31st January 1936, be revised as follows :—

Insert a 'Comma' after the word 'Mochi,' omit the word 'and' after 'Mochi,' and insert the words 'and

Dombar' between 'Iruliga' and 'Communities.' The note will, after amendment, read as follows :—

"Depressed classes in the above paras include Adikarnatakas, Adidravidas, Banajaras, Voddars, Korachars, Koramars, Hill Tribes, Animists and members of the Pishari, Mochi, Iruliga and Dombar communities."

By Order,
B. T. KESAVIENGAR,
Chief Secretary to Government.

Order No. P. 460—Legis. 8-38-1, dated Bangalore, the 21st July 1938.

Ordered that the accompanying Act for the removal of religious and caste disabilities which received the assent of His Highness the Maharaja be published as Act No. XV of 1938 in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
General Secretary to Government.

ACT No. XV OF 1938.

(Received the assent of His Highness the Maharaja on the thirteenth day of July 1938.)

An Act for the removal of disabilities arising from change of religion or deprivation of caste.

Whereas it is expedient to remove certain disabilities arising from change of religion or deprivation of caste; It is hereby enacted as follows :—

Short title extent and commencement.

1. (i) This Act may be called the Act for the removal of religious and caste disabilities.

(ii) It extends to the whole of Mysore.

(iii) It shall come into force at once.

No convert to be divested of vested interest.

2. No person and no heir or representative of such person shall, merely by reason of his having renounced or being excluded from any religion or of his being deprived of caste :

(i) be divested of any vested interest to or in property;

(ii) be deprived of any right of inheritance or personal right;

Provided that no person and no heir or representative of such person shall by reason of this enactment be entitled to retain or acquire any property or right or to exercise any right peculiar or appropriate only to the religion which he has renounced or from which he has been excluded, or peculiar or appropriate only to the caste of which he has been deprived.

Illustrations.

(*a*) A is a trustee for an endowment of his religion. Out of that endowment he is entitled to provide for his own residence and maintenance. On being converted to another religion, he will cease to retain his interest in the endowment.

(*b*) A, a Hindu with vested interest in joint family property, is converted to Christianity. He will, on conversion, retain his interest in that property, but without the incidents peculiar or appropriate only to members of a joint Hindu family.

(*c*) A, a Hindu, dies intestate, leaving him surviving a legitimate son B, a converted Christian. B will succeed A as heir, not by survivorship as a Hindu co-parcener.

(*d*) A, a Hindu, dies leaving him surviving a legitimate son B, a converted Christian. A, before his death, has disposed of his property by a valid will. A's property will follow the dispositions of that will.

(*e*) A, a Mussalman, with four legally married wives, is converted to Christianity. A, after his conversion will not be able to divorce them by ceremonies under the Mahomedan Law.

(*f*) A, a Hindu with Hindu sons, becomes a Mussalman. After conversion, he will not be able to exercise the right of a Hindu father to give one of his Hindu sons in adoption to a Hindu.

(*g*) A Hindu voluntarily renounces the world and becomes a *sanyasi*. He will not be affected by this Act.

Person's right to property not to be affected by another's conversion.

3. No person and no heir or representative of such person shall, by reason merely of another person having renounced or being excluded from any religion or being deprived of caste,

(i) be divested or deprived of any property, right of inheritance or personal right which he would have held had such other person remained in that religion or caste ;

(ii) be forced to any act or to suffer any act inconsistent with or not appropriate to his own religion or caste.

Explanation.—The religion or caste of any person shall be presumed to be that in which he was born. A Court shall, till the contrary is shown, presume that it is for the advantage of a minor to remain in the religion or caste in which he was born.

Illustrations.

(*a*) A and B are Hindu full brothers and C their half brother. A becomes a Christian. B's right of inheritance to A will not be affected by C becoming a Christian.

(*b*) A, a Hindu, having a share and a right to live in the joint family house, becomes a Christian. He cannot contrary to the will of the Hindu members of the family, enforce his right to live himself in the joint family house.

(*c*) A, a Christian man, has a Christian wife B. A becomes a Mussalman and marries a second wife by ceremonies under the Mahomedan Law. A will remain liable for the maintenance of B, and B will retain her right to divorce him, if she chooses, according to the law applicable to Christians. But A cannot enforce against her any conjugal rights, nor divorce her, except, for reasons and in the manner allowed by the law applicable to Christians.

(*d*) A, a Christian man, with minor Christian children, becomes a Mussalman. He will remain liable for their maintenance. But he cannot enforce against them any right of guardianship inconsistent with their religion, such as circumcising his minor sons or giving his minor daughters in marriage to Mussalmans with ceremonies which subject them to Mahomedan Law.

(*e*) A, son of B, a Hindu, becomes a Christian, and is consequently deprived of caste. B will have the same right of adoption as he would have had if A had become an out-caste or disqualified son while remaining a Hindu; but the adoption, if made, will not operate to deprive A of property or rights to which A is entitled under section 2 of this Act.

(*f*) A, son of B, a Hindu, becomes a Christian. After the conversion of A, another son C is born to B. C will have the same rights in respect of ancestral property as he would have had if A had remained a Hindu; but the birth of C will not otherwise affect the rights of A under section 2 of this Act.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 454—*Legis.* 9-38-1, *dated Bangalore, 20th July* 1938.

Ordered that the accompanying Acts to amend the Transfer of Property Act and to supplement that Act which received the assent of His Highness the Maharaja, on the thirteenth day of July 1938, be published as Acts No. XVI and No. XVII of 1938, in the *Mysore Gazette*, for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

ACT No. XVI OF 1938.

(*Received the assent of His Highness the Maharaja on the thirteenth day of July* 1938.)

An Act to amend the Transfer of Property Act for certain purposes.

Whereas it is expedient to amend the Transfer of Property Act, 1918, for the purposes hereinafter appearing; it is hereby enacted as follows:—

1. (1) This Act may be called the Transfer of Property (Amendment) Act, 1938. Short title and commencement.

(2) It shall come into force on the first day of January 1939.

2. In section 3 of the Transfer of Property Act (hereinafter referred to as the said Act), for the last Amendment of section 3.